

TTAB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposer's Ref: ASC USA TC-0207384

In the Matter of Application Serial No. 76/303,797
Published in the Official Gazette on October 15, 2002
Mark: KANGAROO & Design



10-08-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

-----X
ASCO GROUP LIMITED,

Opposer,

- against -

KANGAROO CO., LTD,

Applicant.
-----X

Opposition No. 91155455

**MOTION TO SUSPEND PROCEEDING PENDING
ENTRY OF DEFAULT JUDGMENT**

On February 12, 2003, Opposer Asco Group Limited filed a Notice of Opposition to Application Serial No. 76/303,797. On March 10, 2003, the Trademark Trial and Appeal Board (TTAB) issued a scheduling order setting April 19, 2003 as Applicant Kangaroo Co. Ltd.'s deadline to answer the Notice of Opposition. Upon Applicant's failure to timely answer the Notice of Opposition, on August 1, 2003 the TTAB issued an order allowing Applicant thirty days to show cause why default judgment should not be entered against it. To date, well over 30 days later, Applicant has made no submission purporting to make such a showing.

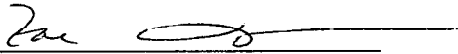
Opposer hereby requests that default judgment accordingly be entered against Applicant. Further, discovery in this opposition closed on September 26, 2003. Opposer has relied on the TTAB's order to show cause and the Applicant's failure to respond thereto in not pursuing

discovery. Opposer hereby requests that if for some reason the TTAB declines to enter default judgment against Applicant, discovery be reopened, the proceeding be suspended and all trial dates in this opposition be reset to permit Opposer to take discovery with respect to its claims.

Dated: New York, New York
October 6, 2003

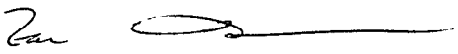
Respectfully submitted,

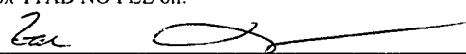
FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Zoe Hilden
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on October 6, 2003 by prepaid, first-class mail upon Applicant's attorney Frank Chau, F. Chau & Assocs. LLP, 1900 Hempstead Tpke Ste 501, East Meadow, NY 11554..


Zoe Hilden

<u>Certificate of First Class Mailing</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 Box TTAB NO FEE on:	
<u>October 6, 2003</u> (Date of Deposit)	 (Signature)
<u>Zoe Hilden</u> (Printed name of person mailing paper or fee)	<u>October 6, 2003</u> (Date of Signature)